

**City of Issaquah
Development Commission**

NOTICE OF DECISION

April 13, 2016

Applicant: James Brown
Wattenbarger Architects
2100 112th Ave NE, Suite 100
Bellevue, WA. 98004

Project: Sunrise Assisted Living

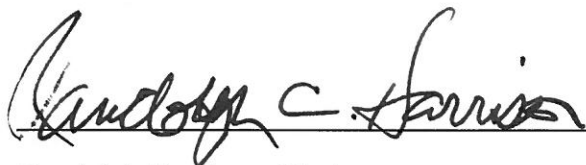
File No.: SDP15-00006 (Site Development Permit)

Request: Approval a Site Development Permit (SDP) to construct an 82-unit, 5-story, 96,500 SF assisted living building with 50 below-building parking stalls and 2 surface stalls.

Location: 23599 SE Issaquah-Fall City Road, located at the intersection of SE Issaquah-Fall City Road and SE Black Nugget Road.

I DECISION

The Development Commission reviewed the proposed Site Development Permit (SDP) during a public hearing conducted on April 6, 2016. After reviewing the application and plans, reviewing the staff report with attachments, supporting documents, and listening to presentations by the applicant and city staff, the Development Commission approved the application with Conditions. Approval of the application is based on the below Findings of Fact, Conclusions and is subject to the Conditions contained herein.



Randolph Harrison, Chair
Development Commission



Date

This Notice of Decision has been executed this 13th day of April, 2016 by the Chairman of the Development Commission on the behalf of and per the direction of the Development Commission.

WHEREAS, a public hearing was held on April 6, 2016, to consider a Site Development Permit (SDP) to construct an 82-unit, 5-story, 96,500 SF assisted living building with 50 below-building parking stalls and 2 surface stalls on a 2.32 acre site; and,

WHEREAS, the Development Commission reviewed the applications on April 6, 2016, and had adequate time to review and reflect upon the applications; and,

WHEREAS, the Development Commission is now satisfied that the applications have been sufficiently considered, and hereby makes and enters the following:

II FINDINGS OF FACT

1. A Site Development Permit (SDP) application was submitted on November 25, 2015 for the construction of an 82-unit, 5-story, 96,500 SF assisted living building with 50 below-building parking stalls and 2 surface stalls on a 2.32 acre site.
2. The proposal also includes two applications for Administrative Adjustment of Standards (AAS): 1) to increase the building height to 50 feet, above the 40 foot base building height (AAS15-00009), and; 2) to reduce the 15-foot building setback from the stream buffer to a minimum of 5 feet (AAS15-00008). The AAS applications were not consolidated with the SDP application at the request of the applicant and therefore were not considered by the Development Commission. The two AAS Notices of Decision were included as Appendix A and Appendix B to the Staff Report.
3. A Notice of Application was mailed to property owners within 300 feet of the subject site on January 15, 2016, and a 2-week comment period was established until January 29, 2016. Public comments were allowed up through the public hearing process.
4. The proposal was reviewed by the City's River & Streams Board at a public meeting on December 15, 2015.
5. The total site area is 2.32 acres; the developable site area is limited to 1.09 acres because steep slopes and the buffer of the North Fork Issaquah Creek constrain the east and south portions of the site.
6. The project site is currently undeveloped and forested. The east and south portions of the site are comprised of a steep forested ravine and the North Fork Issaquah Creek is at the bottom of the ravine. In the northeast part of the site the ravine slopes down nearly 173% (60 degrees) and along the south part of the site the slope inclinations range from 84% to 100% grade (40 to 45 degrees).
7. The applicant proposed to reduce the steep slope buffer from 50 feet to 10-20 feet based on recommendations from their geotechnical consultant. The City conducted a separate geotechnical peer review of the steep slope buffer reduction and the City's consultant concurred with the proposed steep slope buffer reduction. The 100-foot

stream buffer is not reduced; trails/boardwalks encroaching into the stream buffer have been mitigated with buffer averaging.

8. The property has two zoning classifications. The western half of the site (1.19 acres) is zoned Multifamily Medium (MF-M) and the eastern half of the site (1.12 acres) is zoned Single Family Small Lot (SF-SL). The property is consolidated as a single lot (2.32 acres). The MF-M portion of the lot is slightly larger and therefore the development standards of the MF-M zone apply, per IMC 18.06.040. "Assisted Living Facility" is an allowed use in both the MF-M and SF-SL zones; Table of Permitted Land Uses, IMC 18.06.130.
9. Environmental impacts of the project were analyzed as part of the SEPA review. Findings and conditions of the environmental review evaluated the geotechnical (steep slope) issues, impacts to the North Fork Issaquah Creek and the stream buffer, stormwater, and traffic/site access. A Mitigated Determination of Nonsignificance (MDNS) for the project was issued on March 10, 2016 and the 21-day comment/appeal period ended March 31, 2016. SEPA mitigation measures are included as project conditions to address identified impacts.
10. A Level 3 Review is required because the site's primary access and street frontage is on Issaquah-Fall City Road (IMC 18.04.450). Level 3 reviews require a public hearing and the Development Commission is the decision-maker.
11. Public notice of the Development Commission public hearing was provided, including: a Proposed Land Use Action sign was posted on the site on February 5, 2016; a legal notice of the public hearing was placed in the Issaquah Press on March 24, 2016; and the public hearing notice was mailed to property owners within 300 feet of the subject site on March 24, 2016. Notice of the public hearing was also provided on the City's website.
12. Comment letters received on the application were considered in the evaluation of the proposal.
13. Development Services Department staff thoroughly reviewed the application materials. The applications were also routed to various departments within the City as well as Eastside Fire & Rescue. All comments were incorporated into the staff report and/or listed as project conditions.
14. The Staff Report, dated April 6, 2016, reviewed the application for compliance with City codes and standards. The Staff Report included Appendices for the Design Criteria Checklist (Appendix A), the Administrative Adjustment of Standards (AAS15-00008) to reduce the 15-foot building setback from the stream buffer to a minimum of 5 feet (Appendix B), and the Administrative Adjustment of Standards (AAS15-00009) to increase the building height to 50 feet, above the 40 foot base building height. Exhibits to the Staff Report included: architectural, civil and landscape plans, building materials board, Transportation Concurrency Certificate, SEPA Determination, public comment letters, etc. The Staff Report provided recommended conditions including the SEPA mitigation measures, SDP conditions and conditions that will be reviewed with construction plan submittals.
15. The Development Commission reviewed the Site Development Permit (SDP) at the April 6, 2016 public hearing according to applicable standards of the Issaquah Municipal Code, including: the Required Development and Design Standards in IMC18.07, Assisted Living

Facilities Criteria in IMC 18.07.380, and the Design Criteria Checklist in IMC 18.07 Appendix 2.

16. The Development Commission reviewed and concurred with the recommended conditions in the Staff Report, with the following changes/additions:

SEPA Mitigation Condition 11 on page 15 of 17 of the Staff Report be amended as follows:

The applicant shall mitigate for potential impacts on public services and bicycle and pedestrian facilities. The City may approve a voluntary payment in lieu of other mitigation. ~~The current mitigation fee is \$0.04932/SF for general government and \$0.13562/SF for the police mitigation fee, and \$120.72/bed for the bicycle/pedestrian mitigation fee.~~ The mitigation fees will be established and assessed by the City with issuance of building permits and the actual fee amount will be the adopted fee in effect at the time of permit issuance. Applicant objections to the voluntary payment should be made during the SEPA comment period.

A new Condition 12 be added to the Construction Plan Conditions that the architectural siding elements shall be extended to within a foot of ground level in all locations.

A new Condition 13 be added to the Construction Plan Conditions that the architectural features above the main entry shall be more prominent and focus solely on the entry, with the intent of creating an obvious and inviting main entry as well as breaking up the bulk of the building. The revised design shall be approved by City staff and the Development Commission chair.

III CONCLUSIONS

Having rendered the above-cited Findings, the Development Commission draws the following Conclusions:

1. The proposal was reviewed and complies with applicable standards in the Issaquah Municipal Code, including: Chapters 18.07 Required Development and Design Standards, Assisted Living Facilities Criteria in IMC 18.07.380, 18.12 Landscaping and Tree Retention, and 18.07 Appendix 2, Design Criteria Checklist.
2. The application contains adequate information for the Development Commission to render this decision.
3. The proposal includes two Administrative Adjustment of Standards (AAS): 1) to increase the building height to 50 feet, above the 40 foot base building height (AAS15-00009), and; 2) to reduce the 15-foot building setback from the stream buffer to a minimum of 5 feet (AAS15-00008). The AAS applications were not consolidated with the SDP application at the request of the applicant and therefore were not considered by the Development Commission. The AAS Notices of Decision were included as Appendix A and Appendix B to the Staff Report.

Based on the Findings and Conclusions outlined above, the Development Commission moved to approve the Site Development Permit for the Sunrise Assisted Living project, File No. SDP15-00006, as described in the Staff Report dated April 6, 2016; including Appendices A, B and C

and Exhibits 1-8, and subject to the terms, conditions, and rational contained in the Staff Report, subject to the following conditions:

IV CONDITIONS

SEPA MITIGATION MEASURES

- 1) The applicant shall comply with the mitigation measures in the SEPA MDNS issued March 10, 2016 as follows:
 1. The Critical Area Regulations require the following measures:
 - a. The outer extent of the critical area buffers shall be fenced in the field with installation of temporary erosion sedimentation control (TESC) measures, prior to beginning construction and maintained through the duration of construction activities. Only approved landscape improvements are allowed in the critical area buffers.
 - b. Permanent survey stakes using current survey standards shall be set to delineate the boundaries of the critical area buffers.
 - c. Critical areas and buffers shall be protected from development in perpetuity with a Native Growth Protection Easement (NGPE) recorded on the property title.
 2. The site plan shall be revised to show a 20 foot steep slope buffer in the northeast part of the site, consistent with the Icicle Creek Engineers geotechnical report recommendation.
 3. The Icicle Creek Engineer's geotechnical reports (November 25, 2015, January 18, 2016) include specific recommendations in regard to site preparation, excavations and foundations, drainage and erosion control. These recommendations shall be implemented on construction plans and with construction practices.
 4. Site-specific building permit plans were not evaluated by the geotechnical study. The applicant shall submit a geotechnical report evaluating specific building and grading plans with the submittal of building permits. A third-party independent review of the geotechnical report and building plans may be required at the applicant's expense.
 5. Removal of existing trees within the steep slope buffer and steep slope area shall be allowed only on a case-by-case basis for hazardous trees.
 6. The boardwalk and observation deck shall not encroach or cantilever into the steep slope area or the reduced steep slope buffer. The boardwalk and observation deck may be located within the 15-foot building setback from the edge of the buffer provided the boardwalk and observation deck are less than 30 inches above finished grade, except as required to maintain an accessible slope across irregularities in existing grade to allow for reasonable accommodation in accordance with ADA Title II.
 7. The foundation elements for the boardwalk/observation deck shall be constructed with a "Diamond Pier" foundation system (or equivalent as approved by the City) to minimize ground disturbance close to the edge of the steep slope area.
 8. The applicant shall provide a revised landscape plan showing retention of all native trees within critical areas and buffers that have not been determined to be hazardous

trees by a certified arborist. All landscape planting within critical areas and buffers shall be native plant species.

9. The applicant shall tight-line stormwater down the steep slope area to avoid potential erosion and slope stability impacts. Additional geotechnical evaluation for the tight-line pipe shall be provided, including: 1) Recommendations for the design and construction of the pipe, and, if required, any pipe anchors or foundations to minimize the impact to the steep slope; 2) Evaluation of the potential for erosion and undercutting the toe of the slope at the tight-line discharge point; 3) Recommendations for tight-line discharge point design and construction to minimize potential erosion and undercutting of the toe of slope. The stormwater tight-line may be constructed by underground boring or by partial burial on the ground surface. The specific method for the stormwater tight-line construction shall be determined with construction permits; after consideration of slope stability and minimizing impacts to vegetation.
10. The applicant shall install c-curbs to restrict left-turn access at both driveways, and shall install right-turn only signs at both driveways. These improvements shall be shown on the plans prior to issuance of construction permits.
11. The applicant shall mitigate for potential impacts on public services and bicycle and pedestrian facilities. The City may approve a voluntary payment in lieu of other mitigation. The mitigation fees will be established and assessed by the City with issuance of building permits and the actual fee amount will be the adopted fee in effect at the time of permit issuance. Applicant objections to the voluntary payment should be made during the SEPA comment period.

CONSTRUCTION PLAN CONDITIONS

The following conditions apply to constructions permits, which include but are not limited to utility, parking/loading, landscape and building permits. All of the conditions listed below are meant to assist the applicant through the transition from the land use permit to construction permits. Please note that while the list of conditions below are intended to assist both the City and applicant, this list is not meant to be exhaustive and the applicant will be required to comply with all relevant codes, regulations and standards.

- 1) A deviation from the street standards is required to modify the arterial street standard to not require sidewalks along the entire street frontage.
- 2) Pedestrian crosswalks shall be clearly differentiated from the vehicle drive; by use of distinct materials, e.g. pavers and/or grade separation.
- 3) The location and design of the ADA parking will be reviewed during the construction permit review.
- 4) The applicant shall provide a bicycle rack located in a publicly visible location within fifty (50) feet of the primary building entrance and a bicycle rack that is weather-protected and secure in the parking garage.
- 5) Loading spaces shall be at least 25 feet in depth and 10 feet in width. Maneuvering space of not less than 52 feet in length shall be provided adjacent to the loading dock, and the maneuvering space area shall not include parking, storage or dumpsters.
- 6) The location, sizing, accessibility, and separation of waste streams for garbage, food waste and recycling areas shall be reviewed with construction permits, and coordinated with CleanScapes Solid Waste Service and Collection Standards.

- 7) The applicant shall provide additional information to demonstrate that the rooftop mechanical equipment is adequately screened and architecturally compatible with the building. The applicant shall provide details of the architectural screen dimensions, materials and colors, with the Building Permit plans.
- 8) Screening of ground-mounted mechanical equipment shall also be screened through appropriate fencing, landscaping, or a combination of the two.
- 9) Landscape plans shall include tree protection measures, to protect the identified, retained trees from grading and construction activity, consistent with the Tree Health Assessment (Sue Nicol, November 24, 2015).
- 10) The applicant shall provide a lighting plan with building permits, demonstrating compliance with the outdoor lighting standards.
- 11) Impact and Mitigation Fees shall be paid at the time of Building Permit issuance and shall include: Transportation Impact Fee, Fire Impact Fee, Parks Impact Fee, General Government Mitigation Fee, Police Mitigation Fee, and Bike & Pedestrian Mitigation Fee.
- 12) The architectural siding elements shall be extended to within a foot of ground level in all locations.
- 13) The architectural features above the main entry shall be more prominent and focus solely on the entry, with the intent of creating an obvious and inviting main entry as well as breaking up the bulk of the building. The revised design shall be approved by City staff and the Development Commission chair.